In the High Court of Punjab and Haryana at Chandigarh

C.R. No.5839 of 2004
Date of decision:23-10-2006

Uttar Haryana Bijli Vitran Nigam Ltd. and others. .....Petitioners

Versus

Mehtab Singh .....Respondent

CORAM: Hon'ble Mr.Justice Vinod K.Sharma

Present: Mr.Suveer Sheokand,Advocate, for the petitioners.
Mr. Rakesh Lathwal, Advocate, for the respondent.

VINOD K.SHARMA,J. (ORAL)

The present revision petition has been filed against the order dated 5-10-2004 passed by the learned Additional District Judge-I, Rohtak, vide which the appeal filed by the respondent-plaintiff herein was accepted and the order passed by the learned Additional Civil Judge (Sr. Divn.), Rohtak, permitting the restoration of the electricity on deposit of 40% of the penalty amount by the plaintiff-respondent, was set aside.

Learned lower Appellate Court has merely given the findings by observing that as the theft was committed by the tenant, no penalty can be imposed on the plaintiff-respondent being owner of the premises. However, the learned lower Appellate Court has failed to appreciate the reasoning given by the trial Court for ordering the

respondent-plaintiff to deposit 40% of the penalty amount as the trial Court was of the view that the respondent-plaintiff being the consumer of the electricity was civilly liable to pay the penalty imposed for misuse of electric connection by the tenant.

The learned trial Court had rightly observed that in the case of theft, the criminal liability could not have been fastened on the respondent-plaintiff, however, he cannot be absolved of the civil liability to pay the penalty amount being a registered consumer as the electricity was used by the tenant with his consent.

Accordingly, the revision petition is allowed, the impugned order dated 05-10-2004 is set aside and that of the learned trial Court is restored.

October 23, 2006 **(VINOD K.SHARMA)**
'dls' **JUDGE**